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Letter dated 7 June 2004 from the Permanent Representative of Serbia and Montenegro to the United Nations addressed to the President of the Security Council

I have the honour to transmit, enclosed herewith, for your information, a letter from Mr. Vuk Drašković, Minister for Foreign Affairs of Serbia and Montenegro, addressed to the Secretary-General of the United Nations (see annex).

I should be grateful if you would circulate the present letter and its annex as a document of the Security Council.

(*Signed*) Nebojša **Kaludjerović**
Permanent Representative

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Annex to the letter dated 7 June 2004 from the Permanent Representative of Serbia and Montenegro to the United Nations addressed to the President of the Security Council

I am writing in connection with the opening of the air space of Kosovo and Metohija for civilian air traffic, particularly regarding the transfer of authority by the international security force (KFOR) in this field to the United Nations Interim Administration Mission in Kosovo (UNMIK) on 1 April 2004 and the issuance by Iceland, which has been running the Priština airport for some time now, of a Notice to Airmen (NOTAM) defining, in effect, the air space of Kosovo and Metohija and providing guidelines for international air services in the Province, contrary to the established custom according to which only States may issue such documents and for the operation of air traffic in their own space.

Bearing these developments in mind, your attention is drawn to the Military Technical Agreement, article II, paragraph 3, under (c), which is an integral part of Security Council resolution 1244 (1999), which states that "the international security force ("KFOR") commander may delegate control of normal civilian air activities to appropriate FRY (now Serbia and Montenegro) institutions (...) as soon as practicable".

Considering that the institutions of Serbia and Montenegro (Directorate of Civil Aviation of the State of Serbia and the State of Montenegro and the Serbia and Montenegro Air Traffic Services Agency) are properly equipped to carry out air traffic control, I am of the opinion that there exist no legal and technical obstacles to the delegation of civilian air traffic control in the air space of Kosovo and Metohija to these institutions of Serbia and Montenegro, which recently became a member of the European Organization for the Safety of Air Navigation (EUROCONTROL). This is all the more so as the XXVIII Olympic Games will take place in Athens this summer and a consolidated air traffic control would surely contribute to the safety of the increased air traffic expected in the air space of South-East Europe during that time. The safety of the traffic would also benefit from putting back in commission the other radar systems that facilitate air traffic, not only over Kosovo and Metohija, but over South-East Europe as well.

Confident that you will consider this question with due attention in view of the fact that it concerns the interests not only of Serbia and Montenegro, but also of the entire region and Europe as a whole, I assure you of my highest consideration.

(*Signed*) Vuk **Drašković**